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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,460	01/20/2004	Kang Soo Seo	1740-000067/US	7835
30593 7590 07/10/2008 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195				
EXAMINER				
DUNN, MISHAWN N				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/759,460

Applicant(s)

SEO ET AL.

Examiner

MISHAWN DUNN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-10, 13, 16 and 19-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-10, 13, 16 and 19-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/08, 6/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-54 have been considered but are moot in view of the new ground(s) of rejection.
2. With respect to 35 U.S.C. 101, claims 1, 2, 4-10, 13, and 16 recite a data structure which does not impart functionality to a computer or computing device and is thus considered nonfunctional descriptive material. Since there is not a functional interrelationship with a computer claims 1-16 are deemed non-statutory. See 2106.01.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 6 recites the limitation "the recording medium." There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 2, 4-10, 13, and 16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claims 1, 2, 4-10, 13, and 16 define a data structure which does not impart functionality to a computer or

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computing device and is thus considered nonfunctional descriptive material. Such nonfunctional descriptive material, in the absence of a functional interrelationship with a computer, does not constitute a statutory process, machine, manufacture, or composition of matter and is thus non-statutory. See MPEP 2106.01.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 2, 4-7, 9, 10, 13, 16, 19-26, 28-34, 36-42, 44-50, and 52-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Ando et al. (US Pat. No. 7,054,545).

8. Consider claim 1. Ando et al. teaches a computer readable medium having a data structure for managing reproduction of still images, comprising: a data area storing presentation data, the presentation data being divided into a number of still picture units, each still picture unit including at least one still picture and associated related data, the related data not including audio data (figs. 3 and 7); and a navigation area storing at least one playlist (col. 11, lines 12-15), the playlist including at least one playitem and at least one sub-playitem, the playitem providing navigation information for

reproducing the presentation data from the first clip file, the sub-playitem providing navigation information for reproducing the audio data from the second clip file (col. 11, lines 31-35; col. 1, lines 34-36; figs. 7 and 8).

9. Consider claim 2. Ando et al. teaches the computer readable medium of claim 1, wherein the related data in at least one still picture unit includes graphics data and/or graphics data (figs. 6A and 6B).

10. Consider claim 4. Ando et al. teaches the computer readable medium of claim 1, wherein the presentation data is multiplexed into a transport stream (col. 19, lines 16-18).

11. Consider claim 5. Ando et al. teaches the computer readable medium of claim 4, wherein the presentation data is multiplexed into a transport stream on a still picture unit by still picture unit basis (col. 19, lines 16-18).

12. Consider claim 6. Ando et al. teaches the computer readable medium of claim 5, wherein each still picture unit is aligned with a physical recording unit of the recording medium (fig. 1).

13. Consider claim 7. Ando et al. teaches the computer readable medium of claim 6, wherein the recording medium is an optical disk and the physical recording unit is one of a sector and an error correction code block (col. 19, lines 1-2; fig. 1).

14. Consider claim 9. Ando et al. teaches the computer readable medium of claim 5, further comprising: at least one navigation area including a clip information file, the clip information file including at least one entry point map, the entry point map including at

least one entry point providing at least an address of a still picture in the transport stream (col. 11, lines 12-15; fig. 7).

15. Consider claim 10. Ando et al. teaches the computer readable medium of claim 5, wherein the entry point map includes an entry point associated with each still picture unit (col. 11, lines 12-15; fig. 7).

16. Consider claim 13. Ando et al. teaches the computer readable medium of claim 12, wherein each still picture unit includes one packet from each packetized elementary stream (col. 33, lines 41-52; figs. 1, 32, and 36).

17. Consider claim 16. Ando et al. teaches the computer readable medium of claim 1, wherein each still picture unit includes only one still picture (col. 33, lines 41-52; figs. 1, 32, and 36).

18. Consider claim 21. Ando et al. teaches an apparatus for recording a data structure for managing reproduction of at least one still image on a recording medium, comprising: an optical recording device configured to record data on the recording medium; a controller configured to control the optical recording device to record presentation data on the recording medium, the presentation data being divided into a number of still picture units, each still picture unit including at least one still picture and associated related data, the related data not including audio data (figs. 1, 11, and 14).

19. Consider claim 22. Ando et al. teaches an apparatus for reproducing a data structure for managing reproduction of at least one still image recorded on a recording medium, comprising: a driver for driving an optical reproducing device to reproduce data recorded on the recording medium; a controller for controlling the driver to reproduce

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presentation data from the recording medium, the presentation data being divided into a number of still picture units, each still picture unit including at least one still picture and associated related data, the related data not including audio data (figs. 1, 11, and 14).

20. Claims 19, 20, 23-26, 28-34, 36-42, 44-50 and 52-54 are rejected using similar reasoning as the corresponding claims above.

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. Claims 8, 27, 35, 43, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ando et al. (US Pat. No. 7,054,545) in view of Kato (U.S. Patent Number 7,224,890).

23. Consider claim 8. Ando et al. teaches all claimed limitations as stated above, except wherein at least on physical recording unit not filled by the associated still picture unit is filled with stuffed data.

However, Kato teaches a recording medium wherein at least on physical recording unit not filled by the associated still picture unit is filled with stuffed data (col. 14, lines 48-57; fig. 16).

Therefore, it would have been obvious to one of ordinary skill, at the time of the invention, to incorporate filling of the physical recording unit with stuffed data, in order to be able to keep the contingency of the consecutive still picture units.

24. Claims 27, 35, 43, and 51 are rejected using similar reasoning as the corresponding claim above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **MISHAWN DUNN** whose telephone number is

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(571)272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MISHAWN DUNN/
Examiner, Art Unit 2621
July 6, 2008

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621